

REMARKS

Claims 3, 4, 10, 11, 17, 18, and 22 to 35 were pending in the application at the time of examination. Claims 3, 4, 10, 11, 17, 18, and 22 to 35 stand rejected as obvious.

Prior to considering the obviousness rejection, Applicant notes that the Examiner issued a duplicate claim warning for Claims 22 and 23 in view of Claims 3 and 4. Claims 22 and 23 are formulated under 35 U.S.C. §112, par. 6, i.e., step plus function, while Claims 3 and 4 are not. It is well established that the scope of claims under §112, par. 6 is considered differently from the scope of claims that are not under that section. Accordingly, Applicant respectfully submits that in view of the distinction, the duplicate claim warning should be withdrawn because the claims are not duplicates. Applicant requests withdrawal of the warning for these claims. Similar comments apply to Claims 33 to 35 in view of Claims 24 to 26. Applicant also requests reconsideration and withdrawal of the duplicate claim warning for these claims.

The First Obviousness Rejection is not Well Founded

Claims 3, 4, 10, 11, 17, 18, 22 to 25, 27, 28, 30, 31, 33, and 34 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,408,665, hereinafter referred to as Fitzgerald, in view of U.S. Patent No. 6,526,571, hereinafter referred to as Aizikowitz, and U.S. Patent No. 5,907,704, hereinafter referred to as Gudmundson. The Examiner identified "Standard Dictionary 360" of Fitzgerald as "a public list" and "Dependency List 445" as "a class sublist for each of said public elements."

Applicant respectfully submits that this mischaracterizes the teachings and/or suggestions of Fitzgerald. In the cited section of Fitzgerald, Fitzgerald described, "The dictionary

includes a list of the library's public symbols and module names. From a symbol stored in the list, one may determine a file offset from the module containing that symbol in the library."

The Examiner appears to suggest that one of skill in the art after reading Aizikowitz would interpret "public symbol and module names" of Fitzgerald suggesting "all public classes and interfaces defined in said object oriented library." The fact that Fitzgerald stores a name of an object module and public symbols teaches or suggests nothing concerning classes or interfaces. Also, this redefinition results in inconsistencies with distinctions made in the primary reference. Fitzgerald differentiates between "external symbols" and "public symbols."

See Col. 7 of Fitzgerald. This is wholly unrelated to the public and encapsulated relationship cited by the Examiner in Aizikowitz. The Examiner has failed to cite any basis for converting the external and public distinctions of Fitzgerald to some other different relationship.

Also, the Examiner has failed to explain why one of skill in the art would equate "public symbols" with "interfaces" and "modules" with "classes" after reading the secondary reference. This distinction is required to support the Examiner's interpretation of Fitzgerald. The Examiner has provided no rationale for this interpretation.

Further, the citation of the Dependency List of Fitzgerald as being included within the Standard Dictionary of Fitzgerald is unsupported by the reference. Fitzgerald makes clear that the "Standard Dictionary" is different from and not a part of the "Extended Dictionary" and that both the "Standard Dictionary" and the "Extended Dictionary" are different from and not a part of the "Dependency List."

Specifically,

In the system of the present invention, this format of the Standard Dictionary is extended to support Extended Dictionary processing, as described hereinbelow

Fitzgerald, Col. 8, lines 56-59. See also, Col. 10, lines 48 to 54.

Standard Dictionary 430 of Library 410 is modified from the Microsoft standard for the MD-DOS library format. Entries of the dictionary 430 are structured as follows. . . there are either two or three additional bytes of information generated by the librarian 265 to support Extended Dictionary processing. . . . The additional data bytes function as follows. If the symbol is a public symbol, the next three bytes are essentially a pointer into the Standard Dictionary to the name of the module which defines the public. . . . If the symbol is a module name, the next two bytes are a module number. This data is essentially an index (via the Extended Dictionary Index) into the Dependency Lists and Unresolved Externals List for the module. (Emphasis Added.)

Fitzgerald, Col. 10, lines 11 to 45.

Thus, the rejection ignores that Fitzgerald describes the Extended Dictionary and two other lists as being distinct. The rejection selectively uses only one of these two lists, the "Dependency List" and then moves that list into the Standard Dictionary to read on the claim limitations. The primary reference teaches away from such reorganization and so the rejection is not well founded and fails to consider the references as a whole.

The multiple selective modifications and selective equivalencies required to use the secondary references in the primary reference are not supported by any teachings in any of the three references. Applicant requests reconsideration and withdrawal of the first obviousness rejection of Claim 3.

Claim 4 depends from Claim 3 and so distinguishes over the combination of references for at least the same reasons as

Claim 3. Applicant requests reconsideration and withdrawal of the first obviousness rejection of Claim 4.

Independent Claims 10, 17, and 22 include the limitations discussed above with respect to Claim 3 and so the comments with respect to Claim 3 are applicable and incorporated herein by reference. Applicant requests reconsideration and withdrawal of the first obviousness rejection of each of Claims 10, 17, and 22.

Claim 11 depends from Claim 10, Claim 18 depends from Claim 17, and Claim 23 depends from Claim 22, and so each of Claims 11, 18, and 23 distinguishes over the combination of references for at least the same reasons as the independent claim from which it depends. Applicant requests reconsideration and withdrawal of the first obviousness rejection of each of Claims 11, 18, and 23.

In the obviousness rejection of Claim 24, the rejection cited "Standard and Extended Dictionaries" as "an application programming interface definition file." However, in the rejection of Claim 3, the "Standard Dictionary" was cited as a "public list." The Examiner has failed to explain or establish that an API, which is a well-known term in the art, has anything to do with a dictionary used in linking computer program code as in Fitzgerald. Moreover, the Examiner has cited no teaching that the dictionaries have any hierarchical nature or any sort of parent-child relationship. These characteristics must be added based solely on the secondary reference.

The rejection has not established how Fitzgerald would work for its intended purpose after the proposed modifications. Further inferences, as used in the rejection, are not teachings in the prior art references. For example, if an object module in Fitzgerald is a square root function or some other math function that is included in a mathematical library, what is

the "direct parent of that module," and how would that be correlated with anything in the secondary reference.

In particular, Figs. 6A to 6D of Fitzgerald are "a method . . . for linking compiled object modules with Extended Dictionary Support." Linking compiled object modules and receiving a list of libraries by a linker is wholly unrelated to the process of Aizikowitz. As noted above with respect to Claim 3 and incorporated herein by reference, the combination of references requires multiple redefinitions and modifications to the primary reference that are not well founded. The fact, as originally noted, that the same object in Fitzgerald is being given different interpretations based upon the claim being rejected shows that the reference is not being consistently interpreted and considered as a whole. Applicant requests reconsideration and withdrawal of the first obviousness rejection of Claim 24.

Claim 25 depends from Claim 24 and so distinguishes over the combination of references for at least the same reasons as Claim 24. Applicant requests reconsideration and withdrawal of the first obviousness rejection of Claim 25.

Independent Claims 27, 30, and 33 include the limitations discussed above with respect to Claim 24 and so the comments with respect to Claim 24 are applicable and incorporated herein by reference. Applicant requests reconsideration and withdrawal of the first obviousness rejection of each of Claims 27, 30, and 33.

Claim 28 depends from Claim 27, Claim 31 depends from Claim 30, and Claim 34 depends from Claim 33, and so each of Claims 28, 31, and 34 distinguishes over the combination of references for at least the same reasons as the independent claim from which it depends. Applicant requests reconsideration and withdrawal of the first obviousness rejection of each of Claims 28, 31, and 34.

The Second Obviousness Rejection is not Well Founded

Claims 26, 29, 32, and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzgerald in view of Aizikowitz and Gudmundson and further in view of U.S. Patent No. 5,974,255 hereinafter referred to as Gossain.

Applicant respectfully traverses the obviousness rejection of each of Claims 26, 29, 32, and 35 and incorporates herein by reference the above comments with respect to the independent claims that each depends. The additional information cited by the Examiner does not overcome the shortcomings of the primary combination. Applicant requests reconsideration and withdrawal of the second obviousness rejection of each of Claims 26, 29, 32, and 35.

The Third Obviousness Rejection is not Well Founded

Claims 3, 4, 10, 11, 17, 18, 22, and 23 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent No. 6,230,314 in view of Aizikowitz and Gudmundson.

In the rejection, the Examiner cited Col. 3, line 59 to Column 4, line 4 of Sweeney and steps 703 to 707. The Examiner also stated in part:

. . . in light of Sweeney's disclosure of the
Dependency list . . .

The use of Sweeney is incorrect on multiple levels. First, the Dependency List was in Fitzgerald and not Sweeney. Thus, the rejection relies upon a reference that was not cited in the rejection and was not explained why it would be included. Second, Sweeney described in Col. 3, lines 45 to 56 that a member can either be visible or hidden. Sweeney then stated:

In step 703, a set of type constraints is constructed that capture the required subtype-relationships between the types of objects, and the visibility relations between members and objects that must be retained in order to preserve program behavior. (Emphasis Added)

Sweeney, Col. 6, lines 31 to 35. Thus, Sweeney stated that visibility options that were described as visible and hidden are retained, which in turn implies that Sweeney does not hide such information but in fact processed and used the information "to preserve program behavior." Similarly, Fig. 2 of Aizikowitz shows that encapsulated method m2 is visible in the graph.

Despite the explicit teachings in both references that hidden information is included in the structures relied upon by the Examiner, the Examiner argues based upon a general knowledge of encapsulation from a third reference that one of skill in the art would not include such information and in fact would exclude such information. The MPEP requires that each reference be considered as a whole including limitations that teach away from the invention. Thus, the two primary references teach away from the proposed modification. Applicant requests reconsideration and withdrawal of the third obviousness rejection of Claim 3.

Claim 4 depends from Claim 3 and so distinguishes over the combination of references for at least the same reasons as Claim 3. Applicant requests reconsideration and withdrawal of the third obviousness rejection of Claim 4.

Independent Claims 10, 17, and 22 includes the limitations discussed above with respect to Claim 3 and so the comments with respect to Claim 3 are applicable and incorporated herein by reference. Applicant requests reconsideration and withdrawal of the third obviousness rejection of each of Claims 10, 17, and 22.

Claim 11 depends from Claim 10, Claim 18 depends from Claim 17, and Claim 23 depends from Claim 22, and so each of

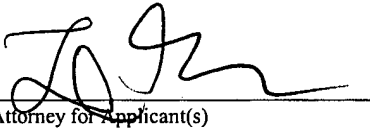
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Claims 11, 18, and 23 distinguishes over the combination of references for at least the same reasons as the independent claim from which it depends. Applicant requests reconsideration and withdrawal of the third obviousness rejection of each of Claims 11, 18, and 23.

Claims 3, 4, 10, 11, 17, 18, and 22 to 35 remain in the application. For the foregoing reasons, Applicant(s) respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 23, 2005.


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February 23, 2005
Date of Signature

Respectfully submitted,



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